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142
2382

OF THE

PUBLIC ACTS

OF 1882,

WHICH AFFECT THE PUBLIC STATUTES,

WITH DECISIONS FROM

VOLS. 130 AND 131 MASSACHUSETTS REPORTS.

0

BY CHARLES U. BELL,

OF THE ESSEX BAR.

BOSTON:

PUBLISHED BY GEORGE B. REED.

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BY CHARLES U. BELL.

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The design of this work is to give under the proper chapter and section of the Public Statutes, a brief statement of subsequent legislation affecting such section, and also to give the more important cases arising under it, or construing it, in the Reports issued since the Public Statutes.

C. U. B.

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DIGEST OF LAWS.

1882.

CHAPTER 1.

OF THE JURISDICTION OF THE COMMONWEALTH AND PLACES CEDED TO THE UNITED STATES.

SECTION 4 gives the United States concurrent jurisdiction with the Commonwealth over lands to which they acquire a title in fee for various public purposes, to which is now added, "or for the use of the United States Fish and Fisheries Commission."

St. 1882, c. 131.

CHAPTER 2.

OF THE GENERAL COURT.

SECTIONS 17, 18. Compensation of messengers and pages. Superseded by St. 1882, c. 257, §§ 2, 3, fixing the compensation of the messengers at five dollars per day, doorkeepers, assistant doorkeepers and postmaster at five dollars per day and one hundred dollars in addition, and pages at three dollars per day.

SECTION 22. Compensation of assistant clerks of senate and house increased to twelve hundred dollars, from nine hundred dollars.

St. 1882, c. 257, § 1.

SECTION 27. The limit of the number of doorkeepers, assistant doorkeepers, messengers and pages is increased from twenty-five to thirty-two.

St. 1882, c. 257, § 4.

SECTION 34. No session of the legislature, and public offices closed, on Monday, when Christmas falls on Sunday.

St. 1882, c. 49.

CHAPTER 3.

OF THE STATUTES.

“Mayor and aldermen” shall mean “board of aldermen,” unless provision is otherwise made, and except in case of appointments.

St. 1882, c. 164.

SECTION 3. (G. S., c. 3, § 7.) Robinson’s case, 131 Mass. 376.

SECTION 3, Cl. 16. (G. S., c. 3, § 7.) Dickie *vs.* Boston & Albany Railroad, 131 Mass. 516.

CHAPTER 4.

OF THE PRINTING AND DISTRIBUTION OF THE LAWS AND PUBLIC DOCUMENTS.

Tables of changes in the Public Statutes by subsequent legislation, and indexes, are to be prepared and published with such editions of the laws as the governor directs.

St. 1882, c. 238.

SECTION 7. St. 1882, c. 6, § 1, adds “of labor” after “bureau of statistics.”

SECTION 10. St. 1882, c. 158, gives the assistant clerks the same documents as the clerks.

By Res. 1882, c. 57, a contract for the state printing for five years is to be made in the mode there provided.

CHAPTER 5.

OF THE STATE HOUSE, THE SERGEANT-AT-ARMS, AND STATE LIBRARY.

The State Library.

SECTION 18. Two thousand dollars instead of eighteen hundred given for assistance in the library.

St. 1882, c. 29.

SECTION 20. The amount appropriated for books, furniture, etc., increased to thirty-three hundred dollars.

St. 1882, c. 196.

CHAPTER 6.

OF THE QUALIFICATION AND REGISTRATION OF VOTERS.

St. 1882, c. 247, provides the mode of correcting errors in names upon the tax-bills of persons assessed.

If the name of a person was on the check-list of the previous year, and he has been assessed, but his name is omitted from the list of polls by clerical error, the assessors may correct the mistake.

St. 1882, c. 268.

CHAPTER 7.

OF THE MANNER OF CONDUCTING ELECTIONS AND RETURNING VOTES.

SECTION 29, providing how check-lists shall be sealed up and preserved, is amended to require the clerk to keep them for the same time that he now keeps ballots, and then transmit them to the board acting as registrars of voters, who are to preserve them on file.

St. 1882, c. 74.

SECTION 45. If the copies of the records of votes are incomplete or erroneous, new copies may be required. Wilful neglect to furnish them is punished.

St. 1882, c. 28, §§ 1, 2.

An abstract of the returns, and a statement of all cases where corrected returns have been received, is furnished to newspapers applying, and the copies are open to inspection by persons interested.

St. 1882, c. 28, § 3.

Detached stickers, or separate pieces of paper of a surface of less than six square inches, are not to be counted, but are preserved.

St. 1882, c. 260.

CHAPTER 9.

OF THE ELECTION OF REPRESENTATIVES IN CONGRESS, AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

SECTIONS 1, 2, fixing the congressional districts are superseded by the new act.

St. 1882, c. 253.

CHAPTER 11.

OF THE ASSESSMENT OF TAXES.

SECTION 3. (G. S., c. 11, § 3.) *Milligan vs. Drury*, 130 Mass. 428.

SECTION 4, describing taxable personal estate, is amended in the line reading, "but not including in such debts due any loan on mortgage of real," by striking out "due" and inserting in its place "or indebtedness."

St. 1882, c. 76.

SECTION 5, Cl. 3. St. 1882, c. 217, § 2, excludes from the exemption given to literary, scientific, and charitable institutions, persons and corporations wilfully omitting to bring in the list of real and personal property required, but it does not apply to corporations making returns to the insurance commissioner.

SECTION 14, which provides for the taxation of mortgaged real estate, and prevents double taxation, is amended by St. 1882, c. 175.

SECTION 20. Two classes are added: 8th, personal property held by an assignee in insolvency, or by an assignee for creditors, is assessed to him. 9th, held by joint owners, not partners, to them according to their respective interests.

St. 1882, c. 165.

SECTION 24. (G. S., c. 11, § 15.) *Oliver vs. Lynn*, 130 Mass. 143.

SECTION 33. (G. S., c. 39, St. 1873, c. 315.) *Little vs. Little*, 131 Mass. 367.

SECTION 38. A return of mortgaged real estate, giving the amount of the mortgage, is provided for in the law as to double taxation.

St. 1882, c. 175.

A return of property held for literary, benevolent, charitable, or scientific purposes, and of the receipts and expenditures, is required of persons and corporations, except such as make return to the insurance commissioner under Pub. St., c. 115, § 11; 1882, c. 217.

SECTIONS 38, 39, 40. (G. S., c. 11, §§ 22, 23, 25.) *Lanesborough vs. County Commissioners*, 131 Mass. 424.

SECTION 41. (G. S., c. 11, § 27.) *Harwood vs. North Brookfield*, 130 Mass. 565.

SECTION 62. (G. S., c. 11, § 38.) *Harwood vs. North Brookfield*, 130 Mass. 563.

SECTION 69. (G. S., c. 11, § 43.) *Oliver vs. Lynn*, 130 Mass. 143.

SECTIONS 69, 70. (G. S., c. 11, §§ 43, 44.) *Hicks vs. Westport*, 130 Mass. 480.

SECTION 71. On appeal, taxes may be abated. The county commissioners are given power to allow costs, but not taxable costs, to one who filed no list.

St. 1882, c. 218.

SECTIONS 71, 72, 74. (G. S., c. 11, §§ 45, 46, 47.) *Hicks vs. Westport*, 130 Mass. 480.

SECTION 72. (G. S., c. 11, § 46.) *Lanesborough vs. County Commissioners*, 131 Mass. 424.

SECTION 78. (St. 1868, c. 320; St. 1873, c. 272.) *Harwood vs. North Brookfield*, 130 Mass. 561.

SECTION 90. The assessors, in addition to the statement of the exempt property which they were required to forward to the tax commissioner, must now send all lists and statements filed by persons or corporations holding property for literary, benevolent, charitable, or scientific purposes.

St. 1882, c. 217, § 3.

SECTION 91. In addition to the debts and assets of the cities and towns, the statement must give the amount of sinking funds, or annual proportionate payments of debt.

St. 1882, c. 133, § 2.

SECTION 92. The return as to steam-boilers in Boston is to be made by the inspector of buildings.

St. 1882, c. 252, § 5.

CHAPTER 12.

OF THE COLLECTION OF TAXES.

SECTION 38. (G. S., c. 12, § 35.) *Coughlin vs. Gray*, 131 Mass. 56.

SECTION 39. If the title under a tax-deed is bad, and the holder offers to surrender it to the town or city, and claim the price, he must state particularly the objections to it, and in case of deeds given before May 19, 1882, he must make his offer within one year from that date.

St. 1882, c. 243, § 3.

SECTION 39. (St. 1862, c. 183, § 6.) *Home Savings Bank vs. Boston*, 131 Mass. 277.

SECTIONS 42, 43. (St. 1862, c. 183, § 2.) *Walsh vs. Wilson*, 130 Mass. 124.

SECTION 50. Every person acquiring a tax-title must file his address with the treasurer of the town or city where the land lies, and if a non-resident, must appoint an agent there to receive payment or service of process.

St. 1882, c. 243, §§ 1, 2.

SECTIONS 52, 53. (G. S., c. 12, §§ 39, 40.) *Home Savings Bank vs. Boston*, 130 Mass. 278.

CHAPTER 13.

OF THE TAXATION OF CORPORATIONS.

SECTION 6. The tax commissioner must furnish blanks for the returns of property and income held for literary, benevolent, charitable, or scientific purposes.

St. 1882, c. 217, § 3.

It would appear that he should send the blanks for steam-boiler returns in Boston, to the inspector of buildings, and not the assessors.

St. 1882, c. 252, § 5.

SECTION 8-19. (St. 1873, c. 315; G. S., c. 39.) *Little vs. Little*, 131 Mass. 367.

SECTION 42. Every corporation or association for mining, quarrying, or getting earth oils, or holding lands, organized out of the Commonwealth, which opens an office in the Commonwealth, must make a return, giving the full particulars as to its business, capital, and officers, and all changes therein, and appoint an agent here, and pay a tax of one-fortieth of one per cent. on its capital semi-annually, but not to exceed three hundred dollars, and also a fee of five dollars for filing the certificate; and the officers and agents here are liable for such taxes and fee.

St. 1882, c. 106.

CHAPTER 14.

OF THE MILITIA.

SECTION 23. One or more of the infantry regiments may be trained as heavy artillery.

St. 1882, c. 97.

SECTION 91. The grand army may be allowed to use the state camp ground.

Res. 1882, c. 15.

SECTION 127. To the associations which may parade with arms are added associations of honorably discharged soldiers, at the decoration of soldiers' graves.

St. 1882, c. 179.

SECTION 130. St. 1882, c. 178, revises and amends the compensation of the militia, and the allowance for horses and forage.

By St. 1882, c. 112, the amount now in the state treasury on account of bounties and allotments to soldiers is transferred to the bounty loan sinking fund. Claims against it are to be filed with the auditor, and allowed by him.

CHAPTER 15.

OF THE EXECUTIVE DEPARTMENT, AND THE SECRETARY OF THE COMMONWEALTH.

SECTION 15. The duty of furnishing blank forms for returns of criminal cases pending is transferred from the secretary to the commissioners of prisons.

St. 1882, c. 226.

CHAPTER 16.

OF THE AUDITOR, TREASURER, AND MATTERS OF FINANCE.

The par of exchange established by U. S. Rev. St., § 3565 is adopted.

St. 1882, c. 110.

SECTION 17. The treasurer is allowed one more extra clerk.

St. 1882, c. 111.

SECTION 60. The authorized investments of the state funds are increased by adding the bonds or notes of any incorporated district in this Commonwealth, or of any city of the states of Maine, New Hampshire, Vermont, Rhode Island, or Connecticut, issued for municipal purposes, whose net indebtedness at the time of purchase does not exceed five per cent. of the last preceding valuation of the property therein for the assessment of taxes; or in the notes of any corporation established within this Commonwealth to become due in one year or less time if secured by a pledge of bonds of the United States or of this Commonwealth to at least an equal amount, estimating the bonds at not more than eighty-five per centum of their market value.

St. 1882, c. 130.

CHAPTER 17.

OF THE ATTORNEY-GENERAL AND THE DISTRICT-ATTORNEYS.

The salary of the district-attorney for the eastern district is raised from \$1,800 to \$2,400, and he is given an assistant at \$1,000 per annum.

St. 1882, c. 156, 157.

The salaries of the first and second assistant district-attorneys for the Suffolk district are raised from \$2,400 and \$2,000 respectively, to \$2,500.

St. 1882, c. 245, § 2.

CHAPTER 19.

OF THE BOARD OF HARBOR AND LAND COMMISSIONERS.

SECTION 7. St. 1882, c. 48, establishes the harbor lines at East Boston ; c. 103, at Gloucester. .

CHAPTER 20.

OF THE STATE BOARD OF AGRICULTURE.

St. 1882, c. 212, establishes an agricultural experiment station at the Massachusetts Agricultural College in Amherst.

CHAPTER 27.

OF TOWNS AND TOWN OFFICERS.

Towns and cities may devote a part of their territory to the production and culture of forest trees for the sake of the wood and timber thereon, or the preservation of their water supply. They may take or purchase land for the purpose. The State Board of Agriculture is given charge of such lands. The town or city may erect buildings for instruction or recreation thereon, and borrow money.

St. 1882, c. 255.

Towns and cities may lay out public parks and take lands, assess betterments, and borrow money.

St. 1882, c. 154.

SECTION 55. (G. S., c. 18, § 22.) *Matthews vs. Westborough*, 131 Mass. 521.

CHAPTER 28.

OF CITIES.

“Mayor and aldermen,” unless otherwise provided, means board of aldermen, except in case of appointments.

St. 1882, c. 164.

In case of death, resignation, absence, or inability of mayor, the office devolves on the chairman of the aldermen, if any; then on the president of the common council. He is styled acting mayor. He can make no permanent appointments.

St. 1882, c. 182.

SECTIONS 5, 6, 7. (St. 1867, c. 279; St. 1876, c. 80; St. 1876, c. 193, § 2.) *Murphy vs. Lawrence*, 131 Mass. 482.

SECTION 7. Where the mayor presides in the board of aldermen, he has no vote there or in joint convention.

St. 1882, c. 180.

CHAPTER 29.

OF MUNICIPAL INDEBTEDNESS.

SECTION 9. St. 1882, c. 133, provides for a fixed annual appropriation as a substitute for a sinking fund, if the town or city so vote.

St. 1882, c. 133.

CHAPTER 36.

OF FENCES AND FENCE VIEWERS.

SECTIONS 4, 14, 15. (G. S., c. 25, § 4; St. 1863, c. 190.) *Kennedy vs. Owen*, 131 Mass. 431.

CHAPTER 40.

OF LIBRARY ASSOCIATIONS.

SECTION 6. The amount which may be paid to the county law libraries is increased from \$1,500 to \$2,000.

St. 1882, c. 246.

CHAPTER 45.

OF SCHOOL DISTRICTS.

The school district system shall be abolished on January 1, 1882, and the affairs of the districts are to be closed as provided in this chapter.

St. 1882, c. 219.

SECTION 27. (G. S., c. 39, and St. 1873, c. 315.) *Little vs. Little*, 131 Mass. 367.

CHAPTER 48.

OF THE EMPLOYMENT OF CHILDREN, AND REGULATIONS RESPECTING THEM.

SECTION 18. Poor children between three and sixteen years of age, in need of immediate relief, are to be provided for by the board of health, lunacy, and charity at the state primary school, or elsewhere, and courts may commit children under fourteen who are growing up without education or salutary control, and exposed to lead idle or dissolute lives, or who are dependent on public charity to such board, if they have no settlement, or to the overseers of the poor, if they have, till twenty-one, or for a less time.

St. 1882, c. 181.

If any parent abandons a child under two years old, or having contracted for its maintenance fails to perform such contract, it is made a crime. Every person receiving a child under one year old, knowing, or having reason to believe it illegitimate, must at once notify the overseers of the poor. The parents must answer all questions as to its residence, parentage, and place of settlement. Unreasonable neglect to provide for the support of a minor child is made a crime.

St. 1882, c. 270.

CHAPTER 49.

OF THE LAYING OUT AND DISCONTINUANCE OF WAYS, AND OF DAMAGES OCCASIONED BY THE TAKING OF LAND FOR PUBLIC USES.

Land may be taken for parks.

St. 1882, c. 154.

For the cultivation of trees.

St. 1882, c. 255.

Public landing places already existing, may be laid out and defined.

St. 1882, c. 109.

SECTION 13. (G. S., c. 43, § 9.) *Colburn vs. Kittridge*, 131 Mass. 470.

SECTION 47. The pay of the officer who attend the sheriff's jury is raised from one dollar and one-half to four dollars per day.

St. 1882, c. 96.

SECTION 51. (G. S., c. 43, § 39.) *Colburn vs. Kittridge*, 131 Mass. 470.

SECTION 94. (G. S., c. 43, § 82.) *McKenna vs. Boston*, 131 Mass. 143.

CHAPTER 50.

OF SEWERS, DRAINS, AND SIDEWALKS.

SECTIONS 1, 2, 3. (G. S., c. 48; St. 1869, c. 111.) *Sheehan vs. Fitchburg*, 131 Mass. 523; *Manning vs. Lowell*, 130 Mass. 21.

CHAPTER 52.

OF THE REPAIR OF WAYS AND BRIDGES.

SECTION 1. (St. 1877, c. 234, § 1.) *Rouse vs. Somerville*, 130 Mass. 361.

SECTION 3. (St. 1877, c. 58.) *Curran vs. Holliston*, 130 Mass. 272.

SECTION 10. (G. S., c. 44, § 8.) *Colburn vs. Kittridge*, 131 Mass. 473.

SECTION 19. The notice of injury shall not be invalid for any inaccuracy in stating the time, place, or cause of the injury, if the error was not intentional, and the party entitled to notice was not misled.

St. 1882, c. 36.

SECTIONS 18, 19, 20. (St. 1877, c. 234.) *Donnelly vs. Fall River*, 130 Mass. 115; *Noonan vs. Lawrence*, 130 Mass. 161; *McNulty vs. Cambridge*, 130 Mass. 275; *Miles vs. Lynn*, 130 Mass. 398; *Mooney vs. Salem*, 130 Mass. 402; *Taylor vs. Woburn*, 130 Mass. 494; *Roach vs. Somerville*, 131 Mass. 189; *Post vs. Foxborough*, 131 Mass. 202; *Madden vs. Springfield*, 131 Mass. 441; *Spellman vs. Chicopee*, 131 Mass. 443; *Dickie vs. Boston & Albany Railroad*, 131 Mass. 516; *Dalton vs. Salem*, 131 Mass. 551; *Whitman vs. Groveland*, 131 Mass. 553.

SECTIONS 23, 24. (G. S., c. 44, §§ 24, 25.) *Colburn vs. Kittridge*, 131 Mass. 473.

CHAPTER 53.

OF THE REGULATIONS AND BY-LAWS RESPECTING WAYS AND BRIDGES.

SECTION 18 is so modified that the county commissioners can regulate travel, not only over bridges maintained by the county, but over bridges to whose construction or maintenance it contributes. It also gives jurisdiction over the violations of such regulations to the courts in the town where the bridge terminates.

St. 1882, c. 108.

CHAPTER 57.

OF THE INSPECTION AND SALE OF MILK.

SECTIONS 3 to 11. (St. 1880, c. 209.) *Commonwealth vs. Luscomb*, 130 Mass. 42.

CHAPTER 59.

OF THE INSPECTION AND SALE OF CERTAIN OILS.

SECTION 7, which forbids kerosene to be sold for illuminating purposes unless inspected, is changed in phraseology, and a clause added giving towns and cities power to regulate its inspection.

St. 1882, c. 250.

CHAPTER 60.

OF THE INSPECTION AND SALE OF VARIOUS ARTICLES.

SECTIONS 81, 82. (St. 1870, c. 205.) *Goddard vs. Rawson*, 130 Mass. 97.

CHAPTER 65.

OF WEIGHTS AND MEASURES.

SECTION 8. Sealers of weights and measures are to be appointed in cities by the mayor and aldermen, and not by the city council.

St. 1882, c. 42.

CHAPTER 69.

OF SHIPPING AND SEAMEN, HARBORS AND HARBOR-MASTERS.

SECTION 25. Assistant harbor-masters may be appointed as well as harbor-masters, and shall be subject to their control.

St. 1882, c. 216.

CHAPTER 70.

OF PILOTS AND PILOTAGE.

Pilots, in addition to those now allowed by law, may be appointed, except for the port of Boston. Where the recommendation of a society is now required, they shall not be appointed without a certificate from the society, unless it neglects for three months to pass upon their qualifications.

St. 1882, c. 174.

CHAPTER 74.

OF THE EMPLOYMENT OF LABOR.

Employers must furnish seats for females employed.

St. 1882, c. 150.

SECTIONS 4, 5. (St. 1874, c. 221 ; St. 1880, c. 194.) *Commonwealth vs. Osborn Mill*, 130 Mass. 33.

CHAPTER 75.

OF LIMITED PARTNERSHIPS.

(G. S., c. 55, § 7 ; St. 1873, c. 320.) *Farnsworth vs. Boardman*, 131 Mass. 115.

CHAPTER 77.

OF MONEY, BILLS OF EXCHANGE, PROMISSORY NOTES, AND CHECKS.

SECTION 1. The par of the United States, Rev. St., § 3565, is adopted.

St. 1882, c. 110.

SECTION 8. The day following Christmas is made a holiday when Christmas falls on Sunday.

St. 1882, c. 49.

CHAPTER 80.

OF THE PRESERVATION OF THE PUBLIC HEALTH. — THE PROTECTION OF INFANTS.

SECTION 60. Persons boarding illegitimate children under one year old, must give notice to the overseers of the poor.

St. 1882, c. 270, § 3.

SECTION 100. (St. 1878, c. 183, § 6.) *Pebbles vs. Boston*, 131 Mass. 197.

CHAPTER 83.

OF THE SETTLEMENT OF PAUPERS.

SECTION 1, Cl. 10. (St. 1878, c. 190, § 1.) *Milford vs. Uxbridge*, 130 Mass. 107.

SECTION 1, Cl. 6, 7. (St. 1878, c. 190; 1879, c. 242.) *Cambridge vs. Boston*, 130 Mass. 357.

SECTIONS 4 and 6. (St. 1878, c. 190, §§ 2, 4.) *Taunton vs. Boston*, 131 Mass. 18.

CHAPTER 84.

OF THE SUPPORT OF PAUPERS BY CITIES AND TOWNS.

SECTION 6. Not only the kindred of the pauper, but the pauper himself, is liable for expenses incurred for him.

St. 1882, c. 113.

SECTION 7. (G. S., c. 70, § 5.) *Arlington vs. Lyons*, 131 Mass. 328.

SECTIONS 28, 29. (G. S., c. 70, §§ 17, 18.) *Easton vs. Wareham*, 131 Mass. 10.

CHAPTER 86.

OF ALIEN PASSENGERS AND STATE PAUPERS.

SECTION 46. The age until which children, who are state paupers, may be placed by the state board in private families, is raised from two to three years.

St. 1882, c. 181, § 1.

CHAPTER 87.

OF LUNACY, AND INSTITUTIONS FOR LUNATICS.

SECTION 34. (G. S., c. 73, § 25.) *Arlington vs. Lyons*, 131 Mass. 328.

CHAPTER 89.

OF THE STATE PRIMARY AND REFORM SCHOOLS, AND THE VISITATION AND REFORMATION OF JUVENILE OFFENDERS.

SECTION 8. Provision is made for the care and maintenance of pauper children between the ages of three and sixteen, at the state primary school, when they have no settlement.

St. 1882, c. 181, § 2.

SECTION 18. Before a warrant can issue for the arrest of any child under twelve, a summons to him must first issue. If he fails to appear, then a warrant.

St. 1882, c. 127.

SECTION 21. A child under twelve cannot be committed in default of bail, except to the custody of the state board of health, lunacy, and charity, except in cases of offences punishable by imprisonment for life, or truancy.

St. 1882, c. 127.

SECTIONS 26-29. No child under twelve can be punished by confinement in a jail, house of correction, the house of industry in Boston, or the state workhouse, except for crimes punishable by imprisonment for life, or truancy.

St. 1882, c. 127.

CHAPTER 91.

OF INLAND FISHERIES AND KELP.

A penalty is imposed on persons taking fish caught in nets, etc., without the owner's consent, or wilfully interfering with such nets, etc.

St. 1882, c. 53.

Striped bass, or bluefish, are protected in Edgartown.

St. 1882, c. 65.

The lessees of Great Pond and Job's Neck Pond, in Edgartown, are allowed to take smelt and alewives at all seasons, but no other person may take any fish but eels.

St. 1882, c. 102.

SECTIONS 10, 11, 26, 27. (St. 1869, c. 384, §§ 7, 8, 18, 19.) Commonwealth vs. Perley, 130 Mass. 469.

SECTION 36 changed to allow nets or seines in the Merrimack River, below the Essex Merrimack Bridge, after June 20, provided shad or salmon are returned alive to the water, and to allow sturgeon to be taken in its tidal waters with nets of meshes of not less than twelve inches.

St. 1882, c. 166.

SECTIONS 81, 82, which regulate the catching of lobsters, are amended, by reducing the time from "June 20 to September 20," to the month of July, and changing "lobster" to "female lobster, bearing eggs."

St. 1882, c. 98.

CHAPTER 92.

OF THE PRESERVATION OF CERTAIN BIRDS AND OTHER ANIMALS.

SECTION 8. The time during which deer may be taken is changed from the month of November to four days in each week in November, and the penalty modified.

St. 1882, c. 199, § 1.

SECTION 10 is amended so that the possession of a deer, except in November, is *prima facie* evidence of a violation of the law.

St. 1882, c. 199, § 2.

CHAPTER 94.

OF TIMBER AFLOAT OR CAST ON SHORE.

The Connecticut River Lumber Company is authorized to construct a boom in the river.

St. 1882, c. 274.

Section 5, which forbids the driving of logs, except in rafts, in the Connecticut, is limited to the river, below the entrance of the Chicopee River; but the Connecticut River Lumber Company pays damages to owners of ferries or steam or pleasure-boats above.

St. 1882, c. 274.

CHAPTER 98.

OF THE OBSERVANCE OF THE LORD'S DAY.

SECTION 2. (G. S., c. 84, § 2.) *Perkins vs. O'Mahoney*, 131 Mass. 546.

(G. S., c. 84, § 2; St. 1877, c. 232.) *Bucher vs. Fitchburg Railroad*, 131 Mass. 156.

CHAPTER 100.

OF INTOXICATING LIQUORS.

SECTIONS 1, 2. (St. 1875, c. 99, §§ 1, 2.) *Commonwealth vs. Ramsdell*, 130 Mass. 68.

SECTION 5. Licenses of the first three classes cannot be granted in any place on the same street within four hundred feet of a public school.

St. 1882, c. 220.

SECTION 6. The publication of notice of application for licenses in Charlestown, East Boston, South Boston, Roxbury, West Roxbury, Dorchester, and Brighton districts, must be in one weekly paper in the district, as well as in the Boston dailies.

St. 1882, c. 222.

SECTION 9. Common victuallers must close between twelve and five in the morning.

St. 1882, c. 242.

SECTION 12. To provisions forbidding any screen to prevent a view of the business, is added, "or a view of the interior of said premises," and such screen or obstruction makes the license itself void.

St. 1882, c. 259.

SECTION 13. Each surety offered on the bond given to obtain a license must make affidavit that he is worth \$2,000 above all liabilities, and shall designate enough property to meet the bond. This affidavit is filed with the bond.

St. 1882, c. 259.

SECTION 18. Common victuallers who keep open during forbidden hours, come within the fines and forfeitures of this section.

St. 1882, c. 242.

SECTION 21. (St. 1879, c. 297.) *Moran vs. Goodwin*, 130 Mass. 158. *Barrett vs. Dolan*, 130 Mass. 366.

SECTION 24. (St. 1875, c. 99, § 15.) *McNeil vs. Collinson*, 130 Mass. 167.

SECTION 29 provides for the assayer of liquors. St. 1882, c. 221, requires him to analyze liquor sent him by officers, and the form of application and certificate are given. Tampering with the samples is punished. His certificate is evidence. The court may order analysis by other chemists.

St. 1882, c. 221.

SECTION 30. (St. 1876, c. 162.) *Commonwealth vs. Intoxicating Liquors*, 130 Mass. 29.

CHAPTER 102.

OF LICENSES AND MUNICIPAL REGULATIONS OF POLICE.

Rockets, Gunpowder, Explosive Compounds, Etc.

SECTION 54. Cities and towns may regulate the sale or use of toy pistols, toy cannon, and all articles in which explosives are used.

St. 1882, c. 272.

SECTION 56. Any one storing gunpowder over one pound in amount, must at once give notice to the chief engineer, or, in Boston, board of fire commissioners, of the amount and place in the building.

St. 1882, c. 269.

SECTION 93. (G. S., c. 88, § 59.) *Denison vs. Lincoln*, 131 Mass. 236.

SECTION 124. The fee for licenses of pawnbrokers and others is made payable to the board issuing the license, instead of to the clerk, and the words "not less than" are put before the sum to be paid.

St. 1882, c. 258.

CHAPTER 103.

OF DISTRICT AND OTHER POLICE.

SECTION 10. It is made the duty of the inspectors of buildings to enforce Sections 16, 17, 18 of Chapter 104, Pub. St., as well as Sections 13-15 and 19-22, except where there are special officers for the purpose. If they neglect their duty, they are to be discharged. These sections relate to fire-escapes.

St. 1882, c. 266, §§ 4, 5, 6.

CHAPTER 104.

OF THE INSPECTION OF BUILDINGS.

SECTION 14. Relating to hoistways, elevators, etc., in factories is extended to mercantile and public buildings, and made to include safety appliances to the elevators in event of accident to the hoisting machinery.

St. 1882, c. 208.

SECTION 15, regulating fire-escapes, is made to apply to manufacturing establishments as well as factories, and cities may make it apply to all buildings three stories high or over.

St. 1882, c. 266, § 1.

SECTION 20. Every tenement or lodging house, three stories or more in height, must have a fire escape, approved by the inspectors.

St. 1882, c. 266, § 2.

SECTION 22. The penalty is changed from a forfeiture to a fine, and made to cover Sections 13 to 21 inclusive, instead of 13, 14, 15, 19, 20, 21. The person to whom notice of required changes is to be given is defined.

St. 1882, c. 266, § 3.

SECTION 23. The authority of inspectors under Sections 13-21 does not extend to Boston or other cities where there are officers specially appointed.

St. 1882, c. 266, § 4.

SECTION 24, which requires discharge of officers not attending to duties, is made to apply to Sections 16, 17, 18.

St. 1882, c. 266, § 5.

CHAPTER 112.

OF RAILROAD CORPORATIONS AND RAILROADS.

SECTION 34. Organizations, under general law, cannot be made unless the railroad commissioners grant a certificate that public necessity and convenience require the construction of the road.

St. 1882, c. 265, § 1.

SECTION 38. No railroad can be located within three miles of the state house without the consent of the railroad commissioners.

St. 1882, c. 265, § 4.

SECTION 44. The certificate of incorporation cannot issue after one year from the time the route is fixed.

St. 1882, c. 265, § 2.

SECTION 115 requires railroads to fence, except where exempted from the

duty by the county commissioners. This power is now transferred to the railroad commissioners, as well as the revocations of exemptions.

St. 1882, c. 162.

SECTION 117.—*Crossings of Railroads.* The commissioners are required to examine and report as to dispensing with grade crossings at the north side of Boston.

Res. 1882, c. 47.

SECTIONS 120, 128. (St. 1874, c. 372, §§ 87, 95.) *Rouse vs. Somerville*, 130 Mass. 361.

SECTION 129. An appeal from the decision of the county commissioners as to crossings of highways and railroads may be taken by any person aggrieved by their decision, or neglect to decide for sixty days.

St. 1882, c. 135.

SECTION 138. So as to private crossings of railroads.

St. 1882, c. 135.

SECTION 170. St. 1882, c. 73, requires locomotive boilers to be tested.

SECTION 171. In addition to the tools which each train must now carry, each car of every passenger train must have two sets of tools, and such other appliances as the railroad commissioners require.

St. 1882, c. 54.

SECTION 180 allows railroads to establish tolls and fares, but by St. 1882, c. 94 and 225, they are forbidden to give undue or unreasonable preferences.

SECTION 205. Unlawfully using, removing or tampering with the tools required to be carried on passenger trains, is punished.

St. 1882, c. 54, § 2.

CHAPTER 113.

OF STREET RAILWAY COMPANIES.

SECTION 32. (St. 1871, c. 381, § 21.) *Osgood vs. Lynn & Boston Railroad*, 130 Mass. 492.

CHAPTER 115.

OF ASSOCIATIONS FOR CHARITABLE, EDUCATIONAL AND OTHER PURPOSES.

SECTION 2. Relief societies may be formed by the employes of railroads and steamboat companies. They are subject to the supervision of the railroad commissioners.

St. 1882, c. 244.

Corporations organized under this chapter may provide for weekly payments to members in need.

St. 1882, c. 195.

SECTION 8. Such corporations may accumulate funds to assist the widow, orphans, or other relatives of deceased members, or any persons dependent on them.

St. 1882, c. 195, § 2.

SECTION 11, which provides for the returns of benefit societies, is amended to cover societies making payments for disabilities, and to make the returns more definite.

St. 1882, c. 195, § 3.

No such society reinsure or transfer its policies to any society not authorized to do business here.

St. 1882, c. 195, § 4.

SECTION 13. (St. 1874, c. 375; 1875, c. 49, § 27.) United Hebrew Association *vs.* Benshimol, 130 Mass. 325.

CHAPTER 116.

OF SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS.

Receivers, at the end of one year from their final settlement, deposit all books and papers with the commissioners.

St. 1882, c. 77.

SECTION 2. The part relating to clerical assistance (\$1,600 per annum) is repealed, and the salary of the first clerk fixed at \$1,300, and the extra clerk at \$700.

St. 1882, c. 148.

SECTION 20. The limit of authorized investments is extended to bonds of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, and the District of Columbia; and of cities therein, and in New York, of over 50,000 inhabitants, whose debt is less than five per cent. of their valuation, and to notes of citizens of this state secured by such bonds at not over 80 per cent. of their market value.

St. 1882, c. 231.

SECTION 20, Cl. 4. The investment in the stocks of any one bank is limited to three per cent. of the savings banks deposits.

St. 1882, c. 224.

SECTION 20, Cl. 8. The time for the sale of real estate now held by foreclosure is extended from five years from its acquisition to July 1, 1883.

St. 1882, c. 200.

SECTIONS 13, 21, 22, 23. The names of the board of investment must be published twice a year.

St. 1882, c. 50.

CHAPTER 117.

OF CO-OPERATIVE SAVINGS FUND AND LOAN ASSOCIATIONS.

SECTION 8. The mode and value of withdrawing and retiring shares is determined.

St. 1882, c. 251, § 1.

SECTION 10. Before paying off matured shares, arrears and fines are to be deducted.

St. 1882, c. 251, § 1.

SECTION 10. In lending the money, the bids may be, instead of a premium, a rate of interest not less than five per cent.

St. 1882, c. 251, § 2.

SECTION 16 is amended, by providing that the share of a member six months in arrears may be declared forfeited. He is then given credit for the withdrawing value of his share, and the balance is enforced against his security.

St. 1882, c. 251, § 1.

CHAPTER 119.

OF INSURANCE COMPANIES AND INSURANCE.

SECTION 159. (St. 1861, c. 186, § 1.) *Holmes vs. Charter Oak Ins. Co.*, 131 Mass. 64.

SECTION 167. (G. S., c. 58, § 62.) *Norris vs. Massachusetts Ins. Co.*, 131 Mass. 294.

CHAPTER 120.

OF THE ALIENATION OF REAL ESTATE.

SECTION 2. (G. S., c. 89, § 8.) *Mansfield vs. Dyer*, 131 Mass. 201.

SECTION 4. (G. S., c. 89, § 3.) *Mason vs. Smith*, 131 Mass. 512.

CHAPTER 121.

OF ESTATES FOR YEARS AND AT WILL.

SECTION 3. (G. S., c. 90, § 25.) *Perkins vs. Stockwell*, 131 Mass. 532.

CHAPTER 123.

OF HOMESTEADS.

SECTIONS 1, 3, 8, 9. (G. S., c. 104.) *Cowdrey vs. Cowdrey*, 131 Mass. 186.

SECTIONS 7, 8. (G. S., c. 104, §§ 7, 8.) *Weller vs. Weller*, 131 Mass. 446.

CHAPTER 125.

OF THE DESCENT OF REAL ESTATE.

SECTION 1, Cl. 5. (St. 1876, c. 220.) *Conant vs. Kent*, 130 Mass. 178.

SECTION 4. The property of an illegitimate child descends to his relatives through his mother, if she is dead.

St. 1882, c. 132.

CHAPTER 130.

OF THE APPOINTMENT OF ADMINISTRATORS.

SECTION 1. (G. S., c. 117, § 2.) *Prescott vs. Durfee*, 131 Mass. 477.

CHAPTER 135.

OF ALLOWANCES TO WIDOWS AND CHILDREN, AND OF THE DISTRIBUTION OF THE ESTATES OF INTESTATES.

SECTION 3, Cl. 3. The husband, instead of the whole, is given half the personal estate of his deceased wife.

St. 1882, c. 141.

SECTION 3, Cl. 3. (St. 1876, c. 220 § 1; Cls. 5, 6: § 4.) *Conant vs. Kent*. 130 Mass. 178.

CHAPTER 136.

OF THE PAYMENT OF DEBTS, LEGACIES, AND DISTRIBUTIVE SHARES.

SECTIONS 13, 14, 15, 16. (G. S., c. 97, §§ 8-11.) *Hammond vs. Granger*, 131 Mass. 351.

CHAPTER 146.

OF DIVORCE.

Statistics specifying certain details as to libels of divorce, must be furnished by the clerks of the courts to the secretary of state, who prepares abstracts and tables for the legislature.

St. 1882, c. 194.

SECTIONS 11, 12, 13. (G. S., c. 107, §§ 50, 51, 52.) *Sewall vs. Sewall*, 130 Mass. 205.

SECTION 19. The application for final decrees in divorce cases is to be made to the court, or a justice of it, instead of to the clerk.

St. 1882, c. 223.

SECTION 39. (G. S., c. 107, §§ 47, 48.) *Foster vs. Foster*, 130 Mass. 190.

CHAPTER 147.

OF CERTAIN RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

SECTION 11. (St. 1862, c. 198.) *Wheeler vs. Raymond*, 130 Mass. 247.

SECTIONS 33, 34, 35. (St. 1874, c. 205.) *Bell vs. Walsh*, 130 Mass. 163.

CHAPTER 151.

OF THE SUPREME JUDICIAL COURT, EQUITY JURISDICTION.

SECTION 2, Cl. 11. (G. S., c. 113, § 2, Cl. 11.) *Carver vs. Peck*, 131 Mass. 291; *Norris vs. Massachusetts Ins. Co.*, 131 Mass. 294.

SECTIONS 7, 8, 9. (St. 1862, c. 40, § 1; G. S., c. 113, §§ 3, 4.) *Cobb vs. Rice*, 130 Mass. 231.

CHAPTER 152.

OF THE SUPERIOR COURT.

SECTION 2. The salary of the chief justice is raised from \$4,800 to \$5,300, and that of the other justices from \$4,500 to \$5,000.

St. 1882, c. 205.

CHAPTER 153.

OF MATTERS COMMON TO THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT.

SECTIONS 10, 13. When disability or death of the justice prevents him from signing exceptions, they may be proved as if they were disallowed by him.

St. 1882, c. 239.

CHAPTER 154.

OF POLICE, DISTRICT AND MUNICIPAL COURTS.

SECTION 2. For the police court of Cambridge is substituted the third district court of Eastern Middlesex, including Cambridge, Arlington and Belmont. The fourth district court of Eastern Middlesex is established, including Woburn, Winchester and Burlington.

St. 1882, c. 233.

Police courts are established in Marlborough and Brookline.

SECTION 2. The district court of Hampshire is established with a district, including the county.

St. 1882, c. 227.

The town of Hopkinton is taken from the district of the first district court of Southern Middlesex.

St. 1882, c. 169.

SECTION 5. The police court of Chelsea is given a clerk.

St. 1882, c. 176.

SECTION 39. Section 52 of this chapter, requiring a bond instead of a recognizance in municipal courts in Boston, is extended to the other municipal, police and district courts.

St. 1882, c. 95.

SECTION 42. The justices of the several municipal courts in Boston may act for each other in certain cases.

St. 1882, c. 43.

Winthrop is added to the East Boston district.

St. 1882, c. 146.

SECTION 55. Another associate justice is added to the municipal court in Boston, making three in all.

St. 1882, c. 41.

SECTION 64. The salaries of the justices are increased as follows :

	Present.	Future.
Brookline, 1882, c. 233,	New.	\$800
East Boston, 1882, c. 245,	\$1,200	1,500
First Essex, 1882, c. 245,	1,600	1,800
Fitchburg, 1882, c. 245,	1,000	1,200
Hampshire, 1882, c. 227,	New.	2,800
Haverhill, 1882, c. 245,	1,400	1,800
Marlborough, 1882, c. 233,	New.	1,000
First Eastern Middlesex, 1882, c. 245,	1,200	1,500
Third " " 1882, c. 233,	New.	2,200
Fourth " " 1882, c. 233,	New.	1,200
Newburyport, 1882, c. 245,	700	1,200
Somerville, 1882, c. 245,	—	1,400
South Boston, 1882, c. 245,	1,800	2,000
Second Eastern Worcester, 1882, c. 245,	800	1,000
Third Southern Worcester, 1882, c. 245,	1,400	1,600

Of the clerks as follows :

	Present.	Future.
Central Berkshire, 1882, c. 245,	\$600	\$800
Boston, 1882, c. 245,	2,250	3,000
Chelsea, 1882, c. 176,	New.	800
East Boston, 1882, c. 245,	1,000	1,100
First Essex, 1882, c. 245,	1,000	1,300
Fitchburg, 1882, c. 245	500	700
Haverhill, 1882, c. 245,	600	800
Lowell, 1882, c. 68,	1,000	1,200
Marlborough, 1882, c. 233,	New.	400
First Eastern Middlesex, 1882, c. 87,	800	1,000
Third “ “ 1882, c. 233,	New.	1,200
Fourth “ “ 1882, c. 233,	New.	600
Newburyport, 1882, c. 245,	600	700
Somerville, 1882, c. 245,	600	800
South Boston, 1882, c. 245,	1,200	1,400
Central Worcester, 1882, c. 245, assistant,	800	1,000
Second Eastern Worcester, 1882, c. 245,	400	500

Of the constables :

	Present.	Future.
Boston, civil (2), 1882, c. 245,	\$1,000	\$1,100
criminal (6), 1882, c. 245,	1,200	1,300
East Boston, 1882, c. 245,	1,000	1,100
South Boston, 1882, c. 245,	1,000	1,100
Roxbury, 1882, c. 245,	1,000	1,100

CHAPTER 155.

OF JUSTICES OF THE PEACE AND TRIAL JUSTICES.

SECTION 49. The power of trial justices over juvenile offenders is restricted by forbidding them to commit children under twelve to jail, etc., except for offences punishable by imprisonment for life.

St. 1882, c. 127, § 1.

CHAPTER 156.

OF PROBATE COURTS.

SECTION 2. (G. S., c. 117, § 2.) *Prescott vs. Durfee*, 131 Mass. 477.

CHAPTER 157.

OF COURTS OF INSOLVENCY.

SECTION 27. (G. S., c. 118, § 26.) *Hathaway vs. Fall River Nat. Bank*, 131 Mass. 14.

SECTION 46. (St. 1880, c. 246, § 7.) *Sullings vs. Ginn*, 131 Mass. 479.

SECTIONS 81, 95. (St. 1879, c. 245, § 4.) *Kempton vs. Saunders*, 130 Mass. 236.

SECTIONS 96-98. (G. S., c. 118; §§ 89, 91.) *Purinton vs. Chamberlin*, 131 Mass. 589.

CHAPTER 158.

OF JUDGES AND REGISTERS OF PROBATE AND INSOLVENCY.

SECTION 23. The salary of the judge in Middlesex is raised from \$2,500 to \$3,000 (St. 1882, c. 129), and the assistant register in Suffolk from \$1,500 to \$2,000.

St. 1882, c. 144.

CHAPTER 159.

OF CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS.

SECTION 34. The provisions relating to the qualification and admission to practice of attorneys at law apply to women.

St. 1882, c. 139.

(St. 1876, c. 197.) Robinson's case, 131 Mass. 376.

SECTION 68. Deputies in attendance on the supreme judicial court in Suffolk, not exceeding four in number, are paid a salary of fourteen hundred dollars, instead of \$4.50 per day and travel.

St. 1882, c. 232.

SECTION 69. And officers attending the superior court fifteen hundred dollars, instead of fourteen hundred as before.

St. 1882, c. 245, § 3.

CHAPTER 160.

SPECIAL PROVISIONS RESPECTING COURTS AND THE ADMINISTRATION OF JUSTICE.

SECTION 4. The day following Christmas, when it falls on Sunday, is added to the days on which courts are not open.

St. 1882, c. 49.

CHAPTER 161.

OF THE COMMENCEMENT OF ACTIONS AND THE SERVICE OF PROCESS.

SECTION 1. (G. S., c. 123, § 1.) Merchants' Ins. Co. *vs.* Abbott, 131 Mass. 406.

SECTION 7. (St. 1877, c. 234, § 5.) Osgood *vs.* Lynn, 130 Mass. 335.

SECTION 64. (St. 1873, c. 297, § 2.) O'Hare *vs.* Downing, 130 Mass. 16.

SECTIONS 91, 94, 95. (G. S., c. 123, §§ 74, 77, 78.) Wheeler *vs.* Raymond, 130 Mass. 247.

SECTIONS 122, 125, (G. S., c. 123, § 104; St. 1870, c. 291, § 5.) O'Hare *vs.* Downing, 130 Mass. 16.

CHAPTER 162.

OF ARREST, IMPRISONMENT, AND DISCHARGE.

SECTIONS 17, 18, 25, 37. (G. S., c. 124, § 5; St. 1877, c. 250.) *New-market National Bank vs. Cram*, 131 Mass. 204; *Foster vs. Foster*, 130 Mass. 189.

CHAPTER 167.

OF PLEADINGS AND PRACTICE.

SECTION 3. (G. S., 129, § 3.) *Simpson vs. Dix*, 131 Mass. 179.

SECTIONS 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28. (G. S., c. 129, §§ 17-27.) *Harris vs. Carmody*, 131 Mass. 55.

SECTION 67. Where there are two or more shire towns, the shire town at which an action shall be tried may be designated at the term of entry, and then it will not be tried elsewhere, nor costs given for terms elsewhere.

St. 1882, c. 264.

SECTION 73. (G. S., c. 129, § 70.) *Osgood vs. Lynn*, 130 Mass. 335.

CHAPTER 168.

OF SET-OFF AND TENDER.

SECTION 2. (G. S., c. 130, § 2.) *Home Savings Bank vs. Boston*, 131 Mass. 280.

CHAPTER 169.

OF WITNESSES AND EVIDENCE.

SECTION 7, 8. The board of police commissioners are added to the bodies which may call witnesses before them, and if they do not attend, the chairman may issue a warrant.

St. 1882, c. 267.

SECTION 18. (St. 1870, c. 393, § 1.) *Commonwealth vs. Brown*, 130 Mass. 279; *Commonwealth vs. Moran*, 130 Mass. 281; *Fay vs. Greynon*, 131 Mass. 31.

SECTION 22. (St. 1869, c. 425.) *Crawford vs. Weston*, 131 Mass. 283.

SECTIONS 23, 26, 27, 28. (G. S., c. 131, §§ 20-22.) *Cole vs. Hall* 131 Mass. 88.

SECTION 54. In case of depositions *in perpetuam memoriam* of parties without the state, the court shall order notice to non-resident parties interested.

St. 1882, c. 140.

SECTIONS 90, 61, 62, 63, 64. (G. S., c. 131, §§ 54-58.) *Simpson vs. Dix*, 131 Mass. 179.

CHAPTER 171.

OF JUDGMENT AND EXECUTION.

SECTION 14. (G. S., c. 133, § 14.) *Osgood vs. Lynn*, 130 Mass. 335.

CHAPTER 172.

OF THE LEVY OF EXECUTIONS ON REAL ESTATE.

SECTIONS 27, 45. (G. S., c. 130, § 43; St. 1874, c. 188.) *Bell vs. Walsh*, 130 Mass. 163.

(St. 1874, c. 188.) *Colburn vs. Jewell*, 130 Mass. 182.

SECTIONS 29, 46. (G. S., c. 103, § 41; 1881, c. 207, § 1.) *Parker vs. A bott*, 130 Mass. 25.

SECTION 42. (G. S., c. 103, § 31.) *Sewall vs. Sewall*, 130 Mass. 201.

SECTION 43. (G. S., c. 103, § 50.) *Sewall vs. Sewall*, 130 Mass. 208.

SECTION 51. (St. 1877, c. 176.) *Sewall vs. Sewall*, 130 Mass. 205.

CHAPTER 173.

OF THE WRIT OF ENTRY.

SECTION 3. (G. S., c. 134, § 3.) *Valpey vs. Rea*, 130 Mass. 384.

CHAPTER 175.

OF THE SUMMARY PROCESS FOR THE RECOVERY OF LAND.

(G. S., c. 137; St. 1879, c. 237.) *Harris vs. Carmody*, 131 Mass. 51.

SECTION 1, 9. (St. 179, c. 237.) *Warren vs. James*, 130 Mass. 540.

SECTION 6. (G. S., c. 137, § 9; St. 1871, c. 315, § 2.) *Melvin vs. Bird*, 131 Mass. 561.

CHAPTER 176.

OF PETITIONS FOR THE SETTLEMENT OF TITLE.

After possession by the mortgagor for twenty years, he may apply to the supreme judicial court, and if it appears that there has been no act of recognition in that time, any action on it is barred.

St. 1882, c. 237.

CHAPTER 178.

OF THE PARTITION OF LAND.

SECTION 51. The notice of the petition is to be published in "newspaper or newspapers," instead of "newspapers."

St. 1882, c. 55.

SECTION 63. Is amended, as stated in the published editions of Public Statutes, by 1882, c. 6, § 2.

CHAPTER 181.

OF THE REDEMPTION AND FORECLOSURE OF MORTGAGES.

SECTIONS 1, 2. (G. S., c. 140, §§ 1, 2.) *Judd vs. Tryon*, 131 Mass. 345.

SECTION 3. (G. S., c. 140, § 3.) *Simpson vs. Dix*, 131 Mass. 179.

SECTION 9. (G. S., c. 140, § 8.) *Cochran vs. Goodell*, 131 Mass. 464.

SECTION 17. The notice of sale under a mortgage of real estate, if there is no newspaper in the town may be given in some newspaper in the county.

St. 1882, c. 75.

SECTION 43. (G. S., c. 140, § 30.) *Hampden Cotton Mills vs. Payson*, 130 Mass. 88.

CHAPTER 183.

OF THE TRUSTEE PROCESS.

SECTION 25. (G. S., c. 142, § 24.) *Fellows vs. Smith*, 131 Mass. 363.

CHAPTER 185.

OF HABEAS CORPUS AND PERSONAL REPLEVIN.

SECTION 18. Amendment incorporated in published edition of General Statutes.

St. 1882, c. 6, § 3.

CHAPTER 187.

OF WRITS OF ERROR, AND WRITS OF, AND PETITIONS FOR, REVIEW.

SECTION 35. (G. S., c. 146, § 34.) *Chipman vs. Fowle*, 130 Mass. 352.

SECTION 39 provides for a stay of execution where a petition for review is filed, on the petitioner giving bond. By St. 1882, c. 249, where the petitioner had no actual knowledge of the action, it may be ordered without security.

CHAPTER 188.

OF REFERENCE TO ARBITRATION.

(G. S., c. 147.) *Cowley vs. Dobbins*, 131 Mass. 327.

CHAPTER 190.

OF MILLS, DAMS, AND RESERVOIRS.

SECTIONS 16, 19. (G. S., c. 149, §§ 18, 21.) *Hamilton vs. Farrar*, 131 Mass. 572.

SECTION 48. (St. 1866, c. 206.) *Howes vs. Grush*, 131 Mass. 207.

CHAPTER 191.

OF LIENS ON BUILDINGS AND LAND.

SECTION 1. (G. S., c. 150.) *Wilson vs. Sleeper*, 131 Mass. 177.

CHAPTER 192.

OF MORTGAGES, CONDITIONAL SALES, PLEDGES, AND LIENS UPON PERSONAL PROPERTY.

SECTION 1. (St. 1874, c. 111.) *Shaughnessey vs. Lewis*, 130 Mass. 355.

CHAPTER 197.

OF THE LIMITATION OF PERSONAL ACTIONS.

SECTION 1. (G. S., c. 155, § 1.) *Sturtevant vs. Pembroke*, 130 Mass. 373.

SECTION 6. (G. S., c. 155, § 4.) *Campbell vs. Baldwin*, 130 Mass. 199.

SECTION 13. (G. S., c. 155, § 11.) *Cumming vs. Jacobs*, 130 Mass. 419.

SECTION 16. (G. S., c. 155, § 17.) *Campbell vs. Baldwin*, 130 Mass. 199.

CHAPTER 198.

OF COSTS IN CIVIL ACTIONS.

SECTION 25. On appeal from taxation of costs, by the clerk, if it is during the term, it shall be heard by the justice before adjournment.

St. 1882, c. 235.

(G. S., c. 156, § 24.) *Melvin vs. Bird*, 131 Mass. 561.

SECTION 28. The term-fees which are allowed to the prevailing party, are limited to three, unless the court otherwise order, with two more if it goes to the full bench.

St. 1882, c. 264.

CHAPTER 199.

OF THE FEES OF CERTAIN OFFICERS.

SECTION 6. The travel of officers summoning witnesses in criminal cases, under twenty miles, is raised from four to ten cents a mile each way. Over twenty it was four cents a mile one way up to fifty miles; over that one cent. It now is made five cents a mile each way in either case. The distance is computed from the most distant place of service to the place of return. But when the officer has not actually travelled the distance, the court may reduce the amount.

St. 1882, c. 215.

CHAPTER 202.

OF OFFENCES AGAINST THE PERSON.

SECTION 29. (G. S., c. 160, § 28.) *Commonwealth vs. Philpot*, 130 Mass. 59.

CHAPTER 203.

OF OFFENCES AGAINST PROPERTY.

Making false statements of the distance one intends to travel when hiring a horse, or of the distance actually travelled, or refusing to pay for the same, is made a crime.

St. 1882, c. 236.

Setting fire to any material which causes the destruction of growing or standing wood is punished.

St. 1882, c. 163.

SECTION 1. (G. S., c. 161, § 1.) *Commonwealth vs. Makely*, 131 Mass. 421.

SECTION 12. (G. S., c. 161, § 12.) *Commonwealth vs. Moore*, 130 Mass. 45.

SECTION 40. (G. S., c. 161, § 38.) *Commonwealth vs. Cooper*, 130 Mass. 285.

SECTION 72. (G. S., c. 161, § 64.) *Hathaway vs. Fall River National Bank*, 131 Mass. 16.

CHAPTER 207.

OF OFFENCES AGAINST CHASTITY, MORALITY, AND GOOD ORDER.

SECTION 2. (G. S., c. 165, § 2.) *Commonwealth vs. Whittaker*, 131 Mass. 224.

SECTION 26. (St. 1880, c. 221, § 2; St. 1881, c. 276.) *Commonwealth vs. Harrington*, 130 Mass. 35.

CHAPTER 208.

OF OFFENCES AGAINST PUBLIC HEALTH.

The making or selling any drug or article of food which is adulterated is punished. Adulteration is defined. Such compounds as the state board of health approve are exempt, if so marked. Provision is made for analyzing samples.

St. 1882, c. 263.

CHAPTER 212.

OF SEARCH WARRANTS, REWARDS, ARRESTS, EXAMINATION, COMMITMENT, BAIL, AND PROBATION.

Children under twelve, not accused of offences punishable by imprisonment for life, nor truants, are not to be arrested till they neglect to appear on summons, nor to be committed on default of bail, nor on sentence.

St. 1882, c. 127.

SECTION 68, which allows a person to deposit money instead of furnishing sureties in criminal cases, is modified so that he may recognize and deposit the money with any officer authorized to take his recognizance, instead of being restricted to the magistrate or clerk of the court ordering it.

St. 1882, c. 134.

SECTION 78. Two additional probation officers may be appointed in Boston. The requirement that the officers be appointed in May is struck out.

St. 1882, c. 125.

CHAPTER 214.

OF TRIALS AND PROCEEDINGS BEFORE JUDGMENT.

SECTION 25. (St. 1864, c. 250, § 2.) *Commonwealth vs. Donahoe*, 130 Mass. 280.

CHAPTER 215.

OF JUDGMENT AND EXECUTION.

Convicts punishable by imprisonment in the house of correction may be sent to jail instead, and those undergoing sentence may be removed from one to the other.

St. 1882, c. 241.

SECTION 18, which forbids any child under ten years of age from being sentenced to a jail or house of correction, except for non-payment of fine or costs, is changed so that no child under twelve can be imprisoned at all, except on charges involving imprisonment for life or for truancy, but must be committed to the custody of the state board of health.

St. 1882, c. 127.

CHAPTER 218.

OF FUGITIVES FROM JUSTICE AND PARDONS.

SECTION 14. Where the condition of a pardon is broken, and the convict is remanded to serve out his sentence, if he is then serving another sentence his time is to begin from the expiration of that.

St. 1882 c. 197.

CHAPTER 219.

OF THE COMMISSIONERS OF PRISONS.

The commissioners may transfer prisoners, except for capital crimes, to hospitals for surgical treatment. The time of their sentence runs while there.

St. 1882, c. 207.

SECTION 4. They may remove prisoners from jails to houses of correction, and *vice versa*, as provided in this section.

St. 1882, c. 241.

SECTION 34. The heads of police and others making arrests are required to make monthly reports.

St. 1882, c 226, § 2.

SECTIONS 34, 35. The blanks for the returns of criminal business made by clerks of courts and other officers under these sections, are furnished by the commissioners of prisons, who prescribe the form.

St. 1882, c. 226.

SECTION 36, prescribing the form, is repealed.

St. 1882, c. 226, § 3.

CHAPTER 220.

OF JAILS AND HOUSES OF CORRECTION.

SECTION 2. The sheriff may remove prisoners at his discretion between jails and houses of correction.

St. 1882, c. 241, § 2.

SECTION 49. Clerical error corrected.

St. 1882, c. 6, § 4.

SECTION 50. Escapes from officers who have taken the prisoner out to perform labor on any public land, are made escapes from prison, and punished.

St. 1882, c. 198.

CHAPTER 221.

OF THE STATE PRISON, AND THE REFORMATORY PRISON FOR WOMEN.

SECTION 6. The number of officers at the state prison is changed; the turnkeys reduced from eleven to four; the watchmen increased from ten to twenty-three; the assistant watchmen not to exceed twenty-three instead of fifteen, and no additional watchmen.

St. 1882, c. 203, § 1.

SECTION 8. The commissioners are deprived of their share in the removal of officers by the warden.

St. 1882, c. 203, § 2.

SECTION 11. The compensation of all officers except the warden, chaplain, and physician, is fixed by the warden, subject to the approval of the commissioners, but not to exceed the maximum stated.

St. 1882, c. 203, §§ 3, 4.

SECTION 43. The purchase of a burial-place at the reformatory prison at Sherborn is provided for.

St. 1882, c. 213.

CHAPTER 222.

SPECIAL PROVISIONS CONCERNING PENAL AND OTHER PUBLIC INSTITUTIONS.

SECTION 17. In case of poor convicts confined three months for non-payment of fine or costs, if there is no police or district court in the county, the jailer shall report to a trial justice, who has authority to hear the matter, and discharge him.

St. 1882, c. 201.

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